



A guide for councils and applicants

Housing for seniors or people with a disability

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1. Introduction

Aims of SEPP Seniors Living

The purpose of the Policy is to encourage the provision of housing which meets the needs of seniors or people with a disability.

The Policy aims to encourage the provision of housing (including residential care facilities) that will:

- increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and
- make efficient use of existing infrastructure and services, and
- be of good design.

These aims will be achieved by:

- setting aside local planning controls that would prevent the development of housing, for seniors or people with a disability, that meets the development criteria and standards specified in this Policy, and
- setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form, and
- ensuring that applicants provide support services for seniors or people with a disability for developments on land adjoining land zoned primarily for urban purposes.

SEPP Seniors Living can be used to create housing for:

- young people with a disability
- healthy active seniors
- people requiring a little or a lot of help with their care

Seniors

Seniors are defined in the policy as people aged 55 years or more.

A common question is “Why are seniors defined as people aged 55 years or more? 55 years is not ‘old’ anymore, so why start there?” It is not that people aged 55 are regarded as ‘old’. The age of 55 was selected (in 1981) because it is the age at which some people can gain access to reserved superannuation funds. It is often at this stage that people make choices about housing which would suit their needs for the next 25 or more years of life and enable them to age in place.

People with a disability

People with a disability are defined as people of any age who, as a result of an intellectual, physical, psychiatric or sensory impairment, either permanently or for an extended period, have substantially limited opportunities to enjoy a full or active life.

Aims of this Guideline – who should read it

This guideline aims to:

- assist **applicants** to submit good development proposals which meet the needs of the residents of SEPP Seniors Living housing and
- assist **local government** to assess SEPP Seniors Living development applications

2. Housing Needs

This section is for councils and developers

Housing for seniors in your community

Why we need more housing for seniors

Our population is ageing. There is significant growth in the numbers of people aged 55 years and over. This trend will continue (See Appendix 1).

- 24 % of the population of Sydney will be aged 55 and over by 2011 (i.e. there will be 1 069 500 people aged 55 years and over).
- The rest of NSW will have an even larger proportion of people aged 55 and over. By 2011 31% of the rest of NSW will be aged 55 and over.
- A third of the State's population (2.5 million) will be aged 55 and over in just over twenty-one years (i.e. by 2026). There will be 1 million more seniors than in 2001.

Housing seniors is a significant current issue. Seniors are a growing part of every community. Many of us will want to move to more suitable housing within our community when we grow older.

We need to respond sympathetically to seniors' housing needs. We must be careful not to plan only for young families and, in effect, overlook seniors.

What are seniors' housing needs?

People's housing needs change over their life-time.

Manageable homes

Most seniors prefer to live independently within their local area. As people age they often seek more manageable homes. They also want housing that gives them a greater sense of security.

A survey of seniors in eight NSW local government areas ¹ found that seniors moved into multi-unit housing either to reduce the time and effort they spent on maintaining a house or to lower their costs.

Seniors were attracted to multi-unit housing because of:

- less maintenance
- greater mobility (i.e. ability to go away without worrying)
- greater personal and property security
- adequate sized rooms
- lower costs.

Important design features included spacious rooms, a compact dwelling (including outdoor space) and ease of cleaning.

¹ Department of Urban Affairs and Planning (1996), *Older Persons Housing Strategy: Multi-Unit Housing Market for Older Persons Project*.

In other words, many seniors in our community have housing needs based on location and manageability. Apart from these factors, their housing needs are not very different from many other people.

Assisted living

Some people will require a form of assisted living. People's needs differ. Some will want to live in a residential setting that is modest and more affordable, with minimal on-site support eg some meals provided. Some will need housing that includes the provision of a low level of care and some will need a high level of care on-site which may include provision of skilled nursing.

The growth in the numbers of people aged 85 years and over, which will occur over the next 10 to 15 years makes it imperative that we make better provision for the last two levels of need.

Housing for people with a disability in your community

Why we need more housing for people with a disability

Every council area has increasing numbers of residents who have disabilities. Medical and technological advances have resulted in increased life expectancy and higher survival rates for people of all ages who have suffered injuries.

What are the housing needs of people with a disability?

Many people with disabilities want to be part of the wider community rather than live in separate, 'special' residential developments.

In-fill developments of adaptable housing allow people with a disability to live near to family, friends and support networks while remaining part of the general community. Developments that are small in scale and allow for independent living or have some residential care facilities are an attractive, viable and affordable option for people with disabilities who may otherwise have to live with family members or in a large institution.

Where SEPP Seniors Living housing is needed

Every council area has increasing numbers of seniors and people with a disability living in it, because the population is aging and because of the increased survival rate of people with a disability. See Appendix 2 for maps of the Sydney Region detailing the percentage of the population aged 55 years and over and the percentage of the population aged 75 years and over by council area.

All councils must consider the changing housing needs of their residents. Seniors and people with a disability need more housing choices in their local area. When new SEPP Seniors Living housing is built, it will often re-house local people rather than add to the population of the area in that age group because new people have moved into an area.

Seniors have been moving out of many Sydney Metropolitan council areas. One reason is limited housing choice.

Net migration data for local government areas (LGAs) across NSW is at Appendix 2. It shows that in the 1996-2001 period, which pre-dates SEPP Seniors Living, that 104 LGAs lost population in the target group through migration, one remained stable and 70 gained population. Of those that made gains, six were in the Greater Metropolitan area (2 inner) and the largest of these metro gains were in the coastal areas of Lake

Macquarie, Wyong and Gosford. Small gains were made in larger inland towns. The most significant non-metropolitan gains (900+) of population in the 55 years + group were in eight coastal areas. As well, people from NSW in the target group moved interstate - the most popular destination being Queensland - 10,798. South Australia, Tasmania and WA each gained around 500. However, there was a net gain from Victoria of 255.

A separate set of net migration data (1996-2001) for people aged 75 years and over for local government areas (LGAs) across NSW is at Appendix 2. It shows that some metropolitan LGAs lost significant numbers in this age group and most areas that gained are coastal or are locations for retirement villages and residential care facilities.

The net numbers of movers in this age group were relatively small. However, this age group will expand over the next 10 years and may prove a key demand group for new, more manageable housing and residential care facilities in their existing areas and in preferred locations such as coastal areas. See Appendix 1 as an indication of projected numbers.

Despite seniors leaving most council areas in greater numbers than those moving in, there will still be more seniors in every community over the next twenty years as existing residents age.

Moving is not the preferred option for most seniors. Seniors generally wish to stay in their own neighbourhood rather than move to an 'old people's home' where care may exceed their needs.

Some of these seniors will want a different sort of housing to the one that suited them earlier in life. But new housing does not necessarily mean new residents; new housing is more likely to be for existing residents in the area.

How SEPP Seniors Living responds to the housing needs of seniors or people with a disability

SEPP Seniors Living meets the special housing needs of seniors or people with a disability by providing local opportunities for the development of a well designed range of housing types including:

- infill self-care housing and serviced self care housing that is well-located in existing areas that allow seniors to:
 - stay in the area they know with good access to transport, local facilities and activities
 - 'age in place', because the housing is capable of being modified for varying levels of disability
- assisted living of two kinds:
 - hostels (i.e. independent living with low level support [not personal care or nursing care] provided on-site, such as meals and housekeeping)
 - residential care facilities, that are linked to the Commonwealth Aged Care Act accreditation process

- large scale developments on the urban fringe – the policy facilitates retirement style villages by allowing serviced self care housing, hostels and residential care facilities to be developed on land on the urban fringe. These could be in the form of a retirement village or a cluster of dwellings managed by a body such as a neighbourhood association that manages the delivery of support services.
- affordable housing options
 - vertical villages require that in return for an increased density 10 % of dwellings within the development are dedicated as affordable places for rent
 - hostels are also likely to provide an affordable rental option given the smaller sized dwellings and shared facilities

Local environmental plans and housing for seniors and people with a disability

Councils can amend their Local Environmental Plans (LEPs) to provide housing opportunities similar to those provided under the SEPP. The Minister is prepared to exclude council areas from the SEPP, where the LEP sufficiently provides those housing opportunities. Information on the criteria and process for exemption can be obtained from the Department of Infrastructure, Planning and Natural Resources (DIPNR). The SEPP will continue to apply until the LEP makes sufficient provision. A draft LEP can include an exemption from the application of SEPP Seniors Living.

3. Seniors Living Housing

Types of housing for seniors or people with a disability

Under the SEPP Seniors Living the following distinctions are made and different standards may apply to each:

Self-contained dwellings (including infill and serviced self care housing)

Self contained dwellings consist of a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not that houses seniors or people with a disability. Each dwelling contains private facilities for cooking, sleeping and washing. However clothes washing facilities may be provided on a shared basis.

Standards in the SEPP cover: floor space ratio, parking for residents, visitor parking for development of 8 dwellings or less, landscaping (including requirements for deep soil zones), height, number of storeys (with limits on the amount to the rear).

Under the *Building Code of Australia* self contained dwellings are defined dependant on whether the dwellings have a footprint on the ground (attached such as townhouses or detached) (class 1) or are two or more dwellings in the one building over two or more storeys (class 2).

In-fill self-care housing

In-fill self care housing consists of two or more self contained dwellings (class 1 or class 2) that are located in existing urban areas and do not provide any support services as part of the development.

The SEPP Seniors Living sets standards for the provision of private open space for self-contained dwellings built as in-fill self-care housing.

The consent authority must assess access to specific facilities and services but has no role in assessing access to support services for “in-fill self-care housing. The objective of the provisions is to house people in familiar environments where their existing support networks can be called on.

Serviced self-care housing

Serviced self care housing is housing (class 1 or class 2) that consists of self-contained dwellings where support services are provided. Meals, cleaning, personal care and nursing care are required to be provided as part of the development. These are permissible under the policy on both urban land and land adjoining land zoned for urban purposes.

Serviced self care housing developed on the urban fringe requires that:

- at least 70 dwellings; and
- a transport service in the form of a bus capable of carrying at least 10 passengers is provided that will drop off and pick up passengers at a local centre that provides residents with access to the following:
 - shops, banks and other retail and commercial services that residents may reasonably require
 - community services and recreation facilities
 - the practice of a general medical practitioner, and

- the service must be available both to and from the proposed development to the local centre at least once between 8am and 12pm each day and at least once between 12pm and 6pm each day

Accommodation for people with dementia is not required to provide this transport service.

Hostels

Hostels provide a form of residential accommodation (class 3) for seniors or people with a disability where: meals, laundering, cleaning and other facilities are provided on a shared basis, and at least one staff member is available on site 24 hours a day to provide management services.

Hostels are not considered self contained housing, although residents may occupy a modest dwelling that comprises a bedroom, bathroom, living room and have a small kitchenette that does not allow the preparation of significant meals.

However they are not considered to be a residential care facility, as no personal care is provided as part of the development. Like self-contained dwellings, built as in-fill in urban areas, residents of this form of development are likely to seek support, when needed, via Home and Community Care (HACC), Community Aged Care Packages (CACP) and Extended Age Care at Home (EACH) or from their own support networks or private providers.

Residents have, the company of other people and the security of knowing that others are close by if help is needed, while being able to have meals, cleaning and laundry services provided. Examples of this form of development have been built by Village Life in country NSW.

To encourage the provision of housing of this kind, the policy facilitates development at a floor space ratio of 1:1, but requires that design principles are taken into account as a major consideration. It is hoped that the not-for-profit sector, as well as the for-profit sector, may be attracted to providing this form of housing.

Under the *Building Code of Australia*, hostels are likely to be class 3 buildings, as unrelated people are considered to be sharing the same accommodation.

Residential care facility

Residential care facilities provide accommodation (class 9c) for seniors or people with a disability that includes:

- meals and cleaning services, and
- personal care or nursing care, or both, and
- appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,
- and is not a dwelling, hostel, hospital or psychiatric facility.

It encompasses buildings that were formerly referred to as hostels (low care) and nursing homes (high care/ skilled nursing care) and reflects the Commonwealth Government's merging of these two sectors. Residential care facilities must be accredited under the Aged Care Act if subsidised places are allocated to them.

The Commonwealth Government is concerned that there have been delays in the take up of allocated places, where councils have taken a long time to approve developments. This may be the result of community concerns about the impact of a

development in an area and it may also be associated with an insensitive design that does not take sufficient account of those impacts.

To encourage the provision of housing of this kind the policy facilitates development at a *floor space ratio (fsr) of 1:1*, but requires that design principles are taken into account as a major consideration.

A potential conflict arises in relation to landscaping. The re-development of many existing residential care facilities or even new residential care facilities in established areas will be on sites that would not allow much land to be set aside for landscaping while achieving a 1:1 fsr. The most important external issues for these sites are the impacts on streetscape and neighbours. High amenity for residents can be achieved within the building without meeting a high landscape area standard. The clause 70 *landscape standard of 25m² per bed*, i.e. a standard that cannot be used to refuse consent, is not a minimum standard per se, that must be met. It is possible and reasonable for consent to be given to facilities that have less than 25m² per bed landscaped area if they take other issue such as streetscape and impact on neighbours into account.

Under the *Building Code of Australia* Residential Care Facilities are likely to be class 9(c) buildings, but, if it is a development offering only skilled nursing care, it is likely to be a class 9(a) building.

Vertical villages

A new form of development is encouraged under the policy on land zoned primarily for residential or commercial purposes, if residential buildings of a density and scale of floor space ratio 1:1 or are permitted under another environmental planning instrument other than *State Environmental Planning Policy No 1—Development Standards* (the *standard density ratio*).

These buildings are considered to be class 2. Existing examples of 'vertical' style villages (that may not include affordable places) are Dougherty Centre at Chatswood, St Luke's at Potts Point and James Milson Village at Kirribilli.

The consent authority has the discretion to approve, for a seniors housing development, buildings that exceeds the standard density ratio by a bonus of 0.5, if they are satisfied by written evidence that the development includes *on-site support services* for its residents and at least 10% of the dwellings as *affordable places*.

On-site support services are defined as:

- 3 meals a day provided on a communal basis or to a resident's dwelling, and personal care, and
- home nursing visits, and
- assistance with housework.

Affordable places are:

- a dwelling for the accommodation of a resident senior or person with a disability:
 - whose gross household income falls within set ranges, of percentages of the median household income, for the time being for the Sydney Statistical Division according to the Australian Bureau of Statistics:
 - who is to pay rent that does not exceed a benchmark of 30% of the resident's actual household income.

- the consent authority is satisfied as to which of the dwellings will be set aside as affordable places.

Retirement villages

The policy does not specifically define retirement style villages, however, it facilitates this style of developments by making it possible to develop larger sites on the urban fringe as 'serviced self-care housing'.

In order to provide a variety of on-site facilities and services retirement villages need to be constructed on a relatively large scale. Consequently many locate on the urban edge.

A retirement village involves an operator who has a continuing interest in the village and to whom fees are paid for the operation services provided.

Under the NSW Retirement Villages Act 1999, there is no regulated minimum service required to be offered for that management role and no basic level of skill (eg first aid) that an on-site manager must have, if there is one. The NSW Retirement Village Act 1999 is consumer protection legislation and requires full disclosure in contracts as to what services and fees are involved.

The model of the "ideal village", as one offering 3 levels of care in different types of accommodation: self-contained dwellings, and residential care facilities (low and high care) is not the norm for retirement villages, nor can they be required to be developed as such under the policy.

Under the Retirement Villages Act 1999, residential care facilities are specifically excluded from a retirement village contract. The Commonwealth government limits the number of subsidised residential care places to be offered and requires an assessment process for a person to access a place. No preference for entry to residential care can be offered for residents of a village that has a co-located facility.

A co located care facility may allow an operator to cross subsidise the construction of the high care facility. Here it is the provider's option rather than a regulatory one. Co-located high care facilities may also foster a false assumption in village residents that their high care needs are covered. It might be more accurate to say the village residents chances of a short distance move are improved not guaranteed.

The Retirement Villages Act 1999, prevents operators from limiting the rights of residents to contract with outside service providers, such as HACC.

Developments by the Department of Housing and local government and community housing providers

The NSW Department of Housing and the community housing sector provide a small but important proportion of housing for seniors (5% of people aged 55 or over – 1996 Census). This housing meets some of the need for smaller scale developments for those on low incomes.

The Department of Housing builds small-scale developments (including as small as 5 units) in a wide variety of locations where public housing applicants want to be housed —usually in the area where they presently reside.

When older style units reach the end of their economic life they are being redeveloped. This builds on access to existing services and facilities and provides an

affordable means for people to continue residing in their existing locality as their housing needs change.

Where can Seniors Housing be developed?

The policy encourages the provision of housing for seniors and people with a disability (the target group) in areas where this form of housing might otherwise not be permissible.

The policy applies to land in NSW zoned primarily for urban purposes or that adjoins land zoned primarily zoned for urban purposes and where dwelling-houses, residential flat buildings, hospitals and special uses are permissible.

Development on land zoned primarily for urban purposes

In-fill self care housing, serviced self care housing, hostels and residential care facilities are permissible in exiting areas. Development is restricted to sites that are at least 1000 square metres and have a site frontage of at least 20 metres wide.

Development on land that adjoins land zoned primarily for urban purposes.

Only serviced self care housing, hostels and residential care facilities can be developed on land that adjoins land zoned primarily for urban purposes under the policy.

Location of housing

Access to facilities

Housing should be accessible to the following facilities

- shops
- recreation facilities and
- community facilities
- general medical practitioners and,
- in the case of retirement style villages on the urban fringe, support services.

For younger people with a disability, access to work places may also be important. Access means that the development must be within a 400 metre walk to transport or directly. Gradient is important (see 'Quality of access' below).

Transport

Public transport is the preferable means of transport. In country areas this can include a community bus or even taxi service, which should run at least once a week-day and should be a return service.

In the Sydney Statistical Division (as defined by the Australian Bureau of Census and Statistics) the service should be available both to and from the proposed development at least once between 8 am and 12 pm and at least once between 12 pm and 6pm each day from Monday to Friday.

Quality of access

Topography and other potential obstacles to access (such as main roads without safe pedestrian crossing points) are just as important as distance, especially for pedestrians and people in wheelchairs.

Developers should provide information to council about the routes, distance to be travelled, gradient from the site to public transport and facilities and where transport is used the distance and quality of the route at the nearest suitable destination.

Preferably, surfaces between the SEPP Seniors Living site entrance and public transport or main facilities should be flat and even. An overall average of up to 1:14 is acceptable over the 400m. Some of the 400m route can have the following gradients:

- Slopes up to 1:12 for a maximum of 15m at a time.
- a gradient can only be up to 1:10 for a maximum of 5m at a time.
- Steeper sections up to 1:8 are acceptable for no more than 1.5m.

In addition, it is advised that along a 400m route with the above gradients there should be rest stops approximately every 50m. Ideally the resting stops should be seats or level landings. The stops should be placed after steeper sections. The overall trip time, including time for rests, should be reasonable. The route should be safe and direct.

Housing design for seniors and people with a disability

Accessible and adaptable housing

Accessible and adaptable housing fits well with the current preferences for seniors and people with a disability for independent living and avoids the personal and economic costs that can result from relocating.

Adaptable housing is cost-effective. Research shows that if adaptation is considered at the design phase it can add about 1% - 5% to construction costs compared with traditional housing. However, adapting an existing house to provide for disabled access is estimated to add 12–35% in additional costs (McAuley, 1994).

Items for which standards are set include:

- *the site* (for example, access within the site, building location, landscaping, security, car parking and letterboxes) and
- *the internal design* of homes (for example, entrances, doorways and circulation spaces, sanitary facilities, kitchen areas, and room design).

Accessibility and the site

If the site is flat enough 100% of the dwellings must be accessible. If the site does not allow at least 50% of the dwellings to be accessible, it is not a suitable site.

Assessing the site gradient to determine the percentage of dwellings required to meet the external access standard

Professional slope analysis across a potential SEPP Seniors Living site should be carried out by a surveyor.

A minimum of 50% of dwellings will need to meet the external access standard but what percentage must be accessible over the 50% depends on the gradients on the site.

In meeting the accessibility standards, if a lift is provided to dwellings other than dwellings on the ground floor, and this is the proposed means of achieving the access requirements, the lift must provide access to all dwellings in that building regardless of the gradient of the land.

Adaptable facilities - modified standard

A modified standard of adaptability for SEPP Seniors Living dwellings (both self-contained dwellings and hostels) was devised from:

- Australian Standard *AS 1428 Part 1- 1998, Design for Access and Mobility: General Requirements for Access — New Building Work*; and
- Australian Standard *AS 4299—1995 Adaptable Housing* where it is proposed to design and construct housing capable of modification for accessibility.

This standard applies to all self contained dwellings and hostels.

The SEPP calls up both *AS 1428 Part 1 and AS 4299* and recognises that they will be updated from time to time – see cl 3 Interpretation.

All multi-level self-contained dwellings (eg townhouses) must have the kitchen, bathroom, toilet and main bedroom on the ground floor. In multi-tenancy dwellings where there is public use of the stairs the Building Code of Australia and AS Lift Code set the relevant standards.

Accessibility and adaptability

Under the policy, potentially more housing may be required to be adaptable than accessible, although on flat sites 100% must be both accessible and adaptable.

Not all people who lose some mobility will need to use a wheelchair, but most people can benefit from dwellings built to adaptable standards, eg in bathrooms, especially in terms of safety.

SEPP Seniors Living Adaptable Standard

The emphasis of the SEPP Seniors Living Adaptable Standard is on making possible conversion to achieve essential wheelchair access and other safety measures with the minimum major expense.

The standard covers:

- wheelchair access to other dwellings
- ease of finding way around the development
- security
- letterboxes in multi unit developments
- car parking
- entries

- lighting
- size of rooms
- corridor
- bathroom width features
- kitchen features
- bedroom features and
- location of rooms.

Most of the standards contained in the SEPP Seniors Living are self-explanatory.

Where additional information is considered to be helpful, comment is made below:

Letterboxes in multi-dwelling developments - A circulation space of 1550mm is needed to allow a person a wheelchair to access letterboxes and turn around to leave the area.

Corridors at door approaches – A minimum width of 1200 mm is required to allow a person in a wheelchair to turn sideways to reach the door handle or improve ease of manoeuvring for a person using a walking frame.

Lighting - Potential illumination (wiring capacity) minimum 300 lux is a SEPP Seniors Living standard. A general discussion of lighting is at clause 4.4.3 of AS 4299 1995.
Kitchen benches - See figure 4.8 of AS 4299-1995 for guidance.

Bedroom - Enough space for circulation must be allowed at the end of each bed.

Bathrooms - As many accidents involving seniors occur in the bathroom, the adaptable standards are important methods for achieving a greater level of safety, eg no hob for shower avoids the danger of tripping that can lead to heavy falls. A removable screen can be installed.

Bathtubs are a frequent source of accidents and it may be better to avoid installing them in houses designed for seniors. A shower must be installed in a SEPP Seniors Living adaptable bathroom.

Car parking- Wider car parking spaces enable a person in a wheelchair to park and load or unload the wheelchair adjacent to the car. (The minimum width is critical in relation to car front door openings (AS 2890.1 1993).) Extra space in underground car parks could be used for temporary storage which can be removed if a unit is purchased by a person requiring a wheelchair or an existing owner develops a disability. For surface parking careful design can ensure that extra space is available by locating the parking space next to a hard surface path.

Concessions - Note that the Department of Housing or a local government or community housing provider does not have to comply with accessible and adaptable standards for a dwelling or part of a dwelling that is located above the ground floor in a multi-storey building

4. Support needs

This section will assist councils in assessing the adequacy of support services

Support needs of seniors

What are seniors' support needs?

The support requirements of the majority of seniors are similar to the community at large. Often seniors have no immediate need for support services on-site and can seek external support services when needed. Research has shown that only between 4% and 7% of seniors aged over 55 will ever require fully supported care (Ageing and Disability Department (ADD), 1997).

Misconception

It seems that seniors are often thought of as frail, incapable of caring for themselves and generally a heavy burden on the community.

Facts

- Only some seniors reach a point of requiring considerable support – *a small proportion of all seniors*.
- Seniors perform many of the voluntary care jobs within the community, often caring for people as old as or younger than themselves.
- Most seniors are capable of caring for themselves well.
- Over the age of 75 years
 - 52% of people need assistance with home maintenance; and
 - 43% of people need assistance with transport. This underpins the need for manageable housing in accessible locations. The proportion of seniors needing assistance with personal or health care is much lower (ADD, 1997).
- Many will eventually require assistance with heavy laundry, housework and shopping depending on their general state of health, but they may still be able to cook and keep themselves and their homes clean and tidy.
- Many of these support needs can be met by an external provider who visits the home rather than living in.
- Currently most of the care for frailer seniors is provided by *informal carers* however a significant proportion provided by privately arranged or commercial services.

Federal Government Policy

The Federal Government's long-term policy for supported care for seniors no longer focuses exclusively on residential care facilities.

The distinction between nursing homes and hostels (now known as residential care facilities) is no longer made; a single funding system is used based on the resident's needs and capacity to pay.

Seniors will increasingly be able to remain in the same facility as their care needs change and couples will be given more opportunity to remain together if they require differing levels of care.

Federal programs provide a wider range of subsidised care and support for people to live relatively independently such as the Home and Community Care Program (HACC). More residential care providers can provide outreach style services to individuals in the community.

Support needs of people with a disability

What are people with a disability's support needs?

Misconception

People with disabilities are often considered to be incapable of earning a living and caring for themselves without assistance.

Fact

People with disabilities can vary enormously in their abilities and types of services that they require, many can live relatively independently.

- In 1993, 94% of all people with disabilities in NSW lived in private households and mostly with other people. Family members are often the main providers of care.
- Only a very small minority (6%) lived in supported accommodation services, and this number included seniors in aged care facilities. The likelihood of being in supported accommodation is higher for people with profound handicaps, with 29% living in residential care or health establishments (ADD, 1997).

Off-site support services

Home and Community Care program (HACC)

The development of the Home and Community Care (HACC) program is aimed at assisting people to live in their own homes and to receive the support they require to live as independently as possible.

The possibility of access to HACC services raises a dilemma where councils would like to see on-site provision of services as part of a development to ensure that support is available.

If SEPP Seniors Living developments do not provide on-site support services, such as a hostel, this is sometimes viewed by councils as increasing the pressure on the HACC program and other service providers in general. However many potential residents of self-care units are re-housing themselves locally and have been included amongst the population figures used for calculating the regional allocation of HACC funds.

Data on new SEPP Seniors Living in-fill housing could be of assistance for HACC regional planning. Councils often participate in this process, through their community services departments. It is recommended that such data be passed on by council to HACC.

Self-funded support services

New SEPP Seniors Living housing will often be re-housing local people rather than adding to the population of the area in that age group. However, since our population is ageing and there is significant growth in the numbers of people aged 55 years and over, demand for private services will grow. It can be expected that the market will respond. Many private services such as lawn-mowing and gardening, cleaning, meal

deliveries, home nursing and emergency response already exist. Information on local private services, prepared by council as part of council's community services, will be of assistance to seniors looking for support services.

On-site support services

Meals

Developments which offer meals should be able to provide 3 room service meals a day, 7 days a week. It is not essential that the meals be prepared on-site if some arrangement can be made with another service to provide meals.

Flexibility for larger developments

Residents should have some flexibility in the amount, and therefore cost, of the personal assistance they purchase.

Personal care and home nursing requirements

These will vary depending on needs.

Assistance with housework

Some residents may only require assistance with heavy housework such as heavy laundry, changing sheets and vacuuming. Other residents may only require assistance with shopping.

Flexibility of provision of services

Some standardisation may be necessary for the efficient provision of particular support services, however, it is also possible to offer a degree of flexibility which enables residents to better take advantage of those services they need.

Legislation and Policies dealing with support services

NSW

- NSW Government's *NSW Healthy Ageing Policy Framework* (Department of Ageing and Disability and Home Care) is aimed at guiding the development of programs for seniors
- *Retirement Villages Act 1999* and associated Regulations, Retirement Village Industry Code of Practice Regulation
- *Disability Services Act 1993* and
- The NSW Ageing and Disability Department's policy titled *Specialist Disability Services: NSW Accommodation Support Program*.

Disability services must conform to the Act if they are to receive government funding. Standards are set for supported accommodation services for people with disabilities.

Commonwealth legislation includes:

- *Aged Care Act 1997*: which regulates residential aged care; flexible care and community aged care packages
- *Home and Community Care Act 1985* and the National Guidelines which deal with the Home and Community Care program.

5. Planning for seniors and people with a disability

This section contains useful information for councils about the pre-development application stage planning.

Planning and Hazard areas

Land that is Bush fire prone land—vegetation category 1 and land subject to high flooding hazard lands are excluded from SEPP Seniors Living as they are listed in Schedule 1 of the SEPP.

Bush fire prone land—vegetation category 1

Land identified on a bush fire prone land map certified under section 146 of the Act as *Bush fire prone land—vegetation category 1* is included in Schedule 1 as land to which the SEPP does not apply

SEPP Seniors Living in Bushfire Prone Areas

Under clause 26, *SEPP Seniors Living* development may not be permitted on land identified on a bush fire prone land map certified under section 146 of the Act as *Bush fire prone land—vegetation category 2* or “*Bush fire prone land—vegetation buffer* unless the development complies with the document, *Planning for Bush Fire Protection*.

Bush Fire Prone Land Maps are prepared under section 146 of the Environmental Planning and Assessment Act and may be inspected at local council offices.

High flooding hazard lands

Only genuinely high flood hazard affected areas should be identified in LEPs. This will avoid identifying land in an LEP that would be suitable for residential development.

A *flood hazard* is flooding that is a source of potential harm or a situation with a potential to cause loss to the community. A *high flooding hazard* arises where there is possible danger to personal safety; evacuation by trucks is difficult, able-bodied adults would have difficulty wading to safety; and there is potential for significant structural damage to buildings.

Only high hazard areas require prohibition of development.

Councils should follow the process below:

Designating high flood hazard land: Councils should consult the Department of Infrastructure Planning and Natural Resources and State Emergency Services when preparing local flood risk management policies and LEPs designating high flood hazard land.

Follow the flood liable land management manual: Council should be consistent with the latest manual on the management of flood liable land as notified by the Minister for Infrastructure and Planning and Minister for Natural Resources. At the time of publication of this Guideline the latest manual was 2001 (*Floodplain Management Manual: the Management of Flood Liable Land*)

6. Development applications

This section is for councils and developers. It summarises the main points to consider formulating and assessing development applications.

Overview of assessment process – what councils need to consider

Councils are responsible for assessing SEPP Senior Living development applications. They remain the consent authority for SEPP Seniors Living developments.

When assessing application councils must consider:

- Whether the development has the *mandatory services and facilities* set by SEPP (Seniors Living) (Clause 74 - 76)
- *Development standards* which, if met, cannot be used as grounds for refusal (see SEPP(Seniors Living) – Part 7, Clauses 78-81)
- Matters listed in section 79C of the *Environmental Planning and Assessment Act 1979*.

Location and accessibility (more detail in ‘Seniors Living Housing’)

Housing should be within 400 metres walking distance or transport or directly to:

- Shops
- Recreation facilities
- Community facilities
- General medical practitioners

Transport (more detail in ‘Seniors Living Housing’)

- Preferable public transport. In regional areas this can include a community bus or even taxi service.
- Larger developments on land adjoining urban land, nor with walking distance of general facilities and not on a regular bus route, are required to supply a courtesy bus or arrange a change in bus routes to meet the access needs of new residents.

Quality of access (more detail in ‘Seniors Living Housing’)

As well as distance consider whether topography and other potential obstacles impair access.

Design

New development under the Seniors Living policy should achieve a high standard of urban design. Consent authorities are required to take into consideration the provisions of the *Seniors Living Policy: Urban Design Guideline for Infill Development* published by Department of Infrastructure, Planning and Natural Resources in March 2004 when assessing applications for infill development made under SEPP Seniors Living (Clause 29)

SEPP Seniors Living also contains some development standards (Clause 38) and a number of standards that, if met cannot be used as grounds for refusal of an application (Clause 81). These standards establish important criteria for achieving good quality development.

Support Services

The checklist at Appendix 3 (based on the checklist in the Local Government Community Services Association's Social Impact Assessment Manual) will help councils decide what information they need to properly assess SEPP Seniors Living proposals. Not all the information in the list will be relevant to every proposal. Councils need to decide what information is necessary depending on the proposal.

Occupancy of SEPP Seniors Living housing

SEPP Seniors Living Housing can be occupied only by seniors (aged 55 year or over) or people with a disability, people who live with them or staff employed to assist in the administration of and provision of services to housing provided under the policy. The Policy requires that consent authorities impose a condition of consent which restricts occupancy to these groups. Councils are also urged to include occupancy restrictions in their section 149 certificates and to impose conditions of consent requiring a covenant (Section 88E of the conveyancing Act) on title which prohibits the use of the land for anything but housing for seniors or people with a disability.

Affordable places

Conditions of approval for dwellings dedicated as affordable places should include:

- a *restrictive or positive covenant on the land* requiring the continued provision of the affordable places identified in the application and
- the *affordable places* identified in a development application to be owned and managed by a registered community housing provider (registered with the Office of Community Housing).

Dedication of dwellings

The conditions of consent should refer to specific dwellings which are identified for affordable housing on the stamped approved plans.

Prior to a certificate of construction being granted, the applicant should be required to lodge a bank guarantee for an amount equivalent to the monetary contribution.

Prior to an occupancy certificate being granted, evidence should be provided to the consent authority demonstrating that the transfer of title has occurred and that an S88E public positive covenant² has been registered on the title stating that the housing must be used for affordable housing. At this stage the bank guarantee is withdrawn.

Using community housing organisations as managers of affordable places

Community housing organisations include non-profit incorporated associations, companies or cooperatives (registered under the Cooperatives Act) with a charter to manage housing for low to moderate income and special needs households. The community housing sector has specific skills in tenancy and asset management of affordable forms of housing.

The Office of Community Housing (OCH) within the Department of Housing is the Government agency that administers the community housing sector. OCH is

² A model covenants is provided at Appendix 4

responsible for ensuring that community housing organisations are accountable to their tenants, to the agencies or owners they have dealings with, and to the public in general.

The OCH has established both an accreditation scheme and a registration system for community housing organisations. The accreditation scheme assesses an organisation's skill competencies in financial, tenancy and property management to ensure an acceptable standard of service will be provided. Only community housing organisations with class 1 registration (see definitions at Appendix A1) will be able to manage affordable housing.

Community housing organisations engaged as owners and managers of affordable places would manage properties in accordance with their class 1 registration status and these Guidelines. In circumstances where an organisation continues to fail to meet the registration standards, provision has been made for de-registration, rendering the organisation ineligible to manage affordable places. Council should seek information about an organisation's registration status from the OCH.

In the event that an organisation is de-registered, the OCH can assist in reallocating its management responsibilities to another accredited organisation

Use of rental income

The management of affordable housing should be self-funding from rental income received. The income eligibility for affordable housing allows households earning incomes between less than 50% to 120% of the Sydney median income to apply for housing.

Tenants may be charged a rental of up to 30% of gross weekly income for the household. This provides scope for internal cross-subsidy of lower income households by moderate income households.

Managers of affordable places are required to allocate housing to very low, low and moderate income households. Their capacity to do this will depend on the stock profile they manage. They will have some flexibility to allow for change in the mix of tenants' incomes over time.

Rent obtained from the properties should only be used to meet accepted management and maintenance costs (including the investment of monies to meet cyclical maintenance, capital upgrade and asset renewal costs) and all rates and taxes payable in connection with the dwelling. Any rent received after deduction of these expenses should be used for the purposes of improving, replacing or providing additional affordable housing stock.

7. Council Information

This section is for councils. It primarily concerns council community services.

Information for residents

Council could make available to residents information on the range of entertainment and recreation opportunities available within the area.

This information would also be of value to developers seeking to locate SEPP Seniors Living developments within the area - the responsibility for testing how accessible a development would be falls on both the applicant and council.

Support Services

- Personal Care
- Cleaning/housework
- Meals

Residents who may need support services such as personal care should be able to find out from council what community-based (subsidised) services they may be eligible to access.

Information on local private support services would also be of assistance.

8. Bibliography

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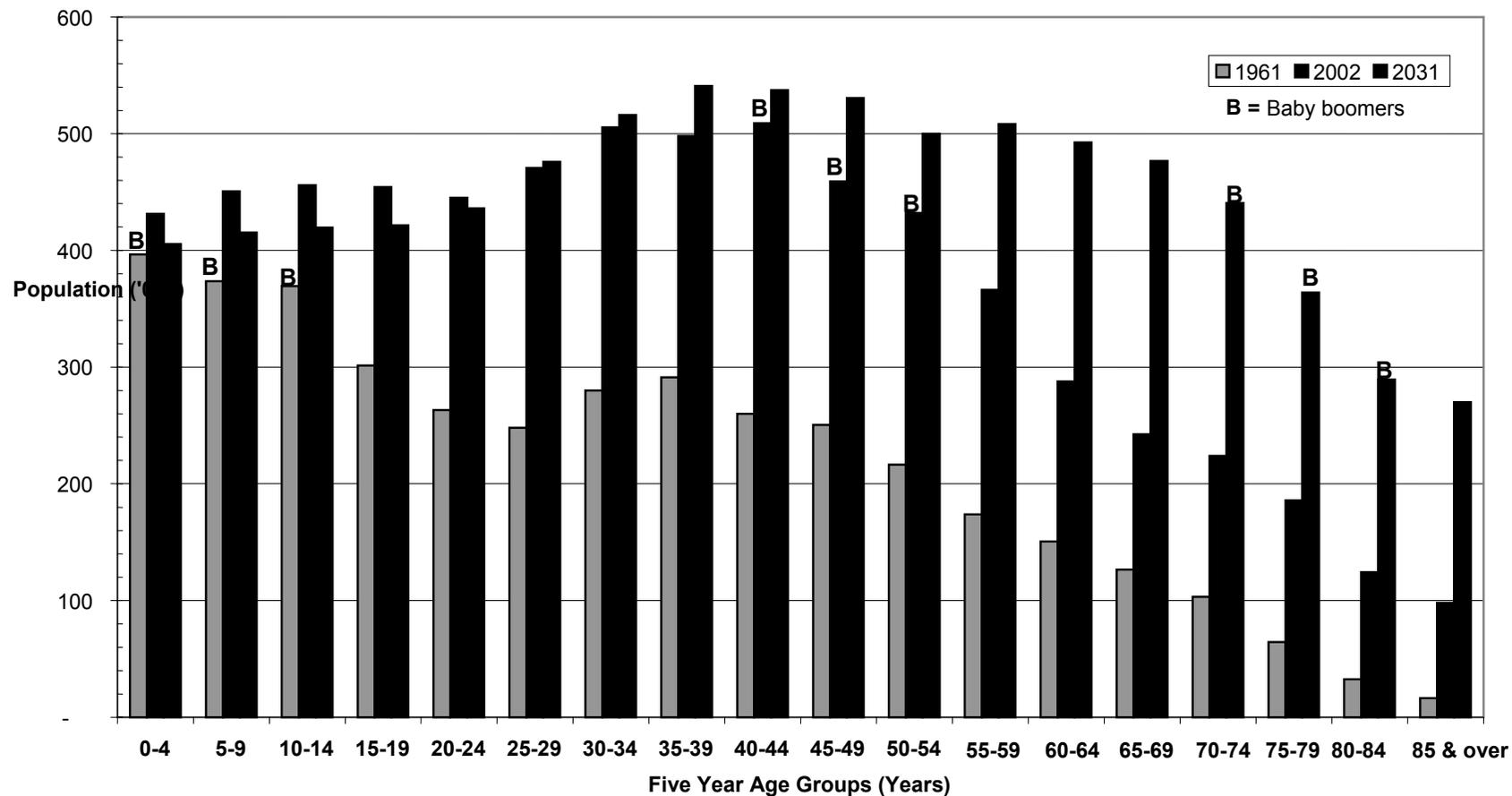
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Appendix 1

Age Distribution of the NSW Population, 1961, 2002 and 2031



Appendix 2

Net change due to internal migration in numbers of people aged 55 years and over for local government areas (LGA) of NSW, 1996-2001

LGA	Net Mign 55+	LGA	Net Mign 55+	LGA	Net Mign 55+
Albury	266	Culcairn	6	Lockhart	-37
Armidale Dumaresq	-16	Deniliquin	6	Lord Howe Island	0
Ashfield	-38	Drummoyne	-7	Maclean	692
Auburn	-398	Dubbo	95	Maitland	364
Ballina	717	Dungog	-59	Manilla	-8
Balranald	-43	Eurobodalla	1447	Manly	-796
Bankstown	-2066	Evans	-37	Marrickville	-1066
Barraba	12	Fairfield	-1164	Merriwa	-50
Bathurst	164	Forbes	-12	Moree Plains	-307
Baulkham Hills	-926	Gilgandra	-6	Mosman	-155
Bega Valley	770	Glen Innes	77	Mudgee	-38
Bellingen	59	Gloucester	95	Mulwaree	129
Berrigan	94	Gosford	2719	Murray	130
Bingara	5	Goulburn	166	Murrumbidgee	-62
Blacktown	-234	Grafton	43	Murrurundi	-19
Bland	-80	Great Lakes	1945	Muswellbrook	-109
Blayney	-33	Greater Lithgow	149	Nambucca	372
Blue Mountains	-118	Greater Taree	599	Narrabri	-65
Bogan	-36	Griffith	-30	Narrandera	-33
Bombala	-33	Gundagai	36	Narromine	-20
Boorowa	-3	Gunnedah	17	Newcastle	-91
Botany Bay	-279	Gunning	-29	North Sydney	-357
Bourke	-119	Guyra	-28	Nundle	-34
Brewarrina	-3	Harden	22	Oberon	59
Broken Hill	-151	Hastings	2963	Orange	-101
Burwood	-114	Hawkesbury	-44	Parkes	8
Byron	56	Hay	-32	Parramatta	-1067
Cabonne	69	Holbrook	-12	Parry	97
Camden	759	Holroyd	-780	Penrith	-310
Campbelltown	-391	Hornsby	-957	Pittwater	-434
Canterbury	-1434	Hume	46	Port Stephens	1809
Carrathool	-39	Hunter's Hill	122	Pristine Waters	-8
Central Darling	-87	Hurstville	-423	Queanbeyan	99
Cessnock	203	Inverell	-32	Quirindi	30
Cobar	-39	Jerilderie	-146	Randwick	-1029
Coffs Harbour	1307	Junee	-50	Richmond Valley	175
Conargo	-15	Kempsey	347	Rockdale	-493
Concord	71	Kiama	429	Ryde	-497
Coolah	-11	Kogarah	-537	Rylstone	41
Coolamon	-51	Ku-ring-gai	-1797	Scone	-66
Cooma-Monaro	-73	Kyogle	-82	Severn	-3
Coonabarabran	-39	Lachlan	-79	Shellharbour	543
Coonamble	-44	Lake Macquarie	2343	Shoalhaven	3587
Cootamundra	55	Lane Cove	-518	Singleton	-37
Copmanhurst	51	Leeton	-22	Snowy River	96
Corowa	103	Leichhardt	-505	South Sydney	8
Cowra	76	Lismore	-192	Strathfield	-304
Crookwell	38	Liverpool	1173	Sutherland Shire	-2019

LGA	Net Mign 55+	LGA	Net Mign 55+	LGA	Net Mign 55+
Sydney	887	Wakool	-42	Wingecarribee	1259
Tallaganda	61	Walcha	-40	Wollondilly	21
Tamworth	-15	Walgett	-104	Wollongong	80
Temora	79	Warren	-42	Woollahra	-570
Tenterfield	61	Warringah	-1187	Wyong	4104
Tumbarumba	-37	Waverley	-757	Yallaroi	-34
Tumut	-75	Weddin	-40	Yarrowlumla	-54
Tweed	3644	Wellington	23	Yass	64
Uralla	-16	Wentworth	-149	Young	75
Urana	-57	Willoughby	-330		
Wagga Wagga	134	Windouran	-3		

Source: Australian Bureau of Statistics, 2001 Census of Population and Housing. Customised table compiled for the Department of Infrastructure Planning and Natural Resources (DIPNR).
Table prepared by the Transport and Population Data Centre, DIPNR.

Net change due to internal migration in numbers of people aged 75 years and over for local government areas (LGA) of NSW, 1996-2001

LGA	Net Mign 75+	LGA	Net Mign 75+	LGA	Net Mign 75+
Albury	128	Dubbo	73	Marrickville	-119
Armidale Dumaresq	77	Dungog	-32	Merriwa	-36
Ashfield	256	Eurobodalla	-27	Moree Plains	-67
Auburn	-171	Evans	-12	Mosman	14
Ballina	132	Fairfield	-52	Mudgee	-30
Balranald	3	Forbes	18	Mulwaree	5
Bankstown	-591	Gilgandra	-3	Murray	19
Barraba	-36	Glen Innes	41	Murrumbidgee	-6
Bathurst	98	Gloucester	27	Murrurundi	-24
Baulkham Hills	99	Gosford	548	Muswellbrook	17
Bega Valley	5	Goulburn	85	Nambucca	21
Bellingen	-36	Grafton	23	Narrabri	9
Berrigan	58	Great Lakes	51	Narrandera	22
Bingara	-21	Greater Lithgow	29	Narromine	0
Blacktown	272	Greater Taree	-54	Newcastle	-23
Bland	-30	Griffith	-17	North Sydney	-252
Blayney	-9	Gundagai	-12	Nundle	-3
Blue Mountains	-88	Gunnedah	24	Oberon	-4
Bogan	-3	Gunning	-18	Orange	43
Bombala	3	Guyra	-16	Parkes	6
Boorowa	9	Harden	-21	Parramatta	-85
Botany Bay	-118	Hastings	303	Parry	15
Bourke	-7	Hawkesbury	-6	Penrith	162
Brewarrina	-12	Hay	6	Pittwater	-38
Broken Hill	-50	Holbrook	3	Port Stephens	102
Burwood	21	Holroyd	-2	Pristine Waters	-31
Byron	-126	Hornsby	275	Queanbeyan	43
Cabonne	-7	Hume	-14	Quirindi	15
Camden	223	Hunter's Hill	130	Randwick	-168
Campbelltown	8	Hurstville	-110	Richmond Valley	48
Canterbury	-579	Inverell	-12	Rockdale	-191
Carrathool	-19	Jerilderie	-44	Ryde	50
Central Darling	-27	Junee	-20	Rylstone	-6
Cessnock	21	Kempsey	-46	Scone	-15
Cobar	0	Kiama	66	Severn	-20
Coffs Harbour	181	Kogarah	-248	Shellharbour	78
Conargo	0	Ku-ring-gai	-126	Shoalhaven	192
Concord	-28	Kyogle	-37	Singleton	7
Coolah	-16	Lachlan	-12	Snowy River	9
Coolamon	-54	Lake Macquarie	644	South Sydney	-43
Cooma-Monaro	9	Lane Cove	-114	Strathfield	-81
Coonabarabran	-30	Leeton	-7	Sutherland Shire	-123
Coonamble	-9	Leichhardt	-107	Sydney	129
Cootamundra	44	Lismore	-11	Tallaganda	-2
Copmanhurst	3	Liverpool	474	Tamworth	98
Corowa	-13	Lockhart	-21	Temora	15
Cowra	-17	Lord Howe Island	-	Tenterfield	3
Crookwell	0	Maclean	7	Tumbarumba	-9
Culcairn	-4	Maitland	90	Tumut	-26
Deniliquin	4	Manilla	3	Tweed	476
Drummoyne	-73	Manly	-248	Uralla	-20

LGA	Net Mign 75+
Urana	-18
Wagga Wagga	127
Wakool	-5
Walcha	-9
Walgett	-12
Warren	-9
Warringah	394
Waverley	-97
Weddin	-27
Wellington	24
Wentworth	-34
Willoughby	-114
Windouran	-
Wingecarribee	135
Wollondilly	-23
Wollongong	98
Woollahra	-227
Wyang	374
Yallaro	-9
Yarrowluma	5
Yass	11
Young	60

Source: Australian Bureau of Statistics, 2001 Census of Population and Housing. Customised table compiled for the Department of Infrastructure Planning and Natural Resources (DIPNR). Table prepared by the Transport and Population Data Centre, DIPNR.

Appendix 3

Facilities and Services Checklist

This checklist is based on a revision of the checklist in the Local Government Community Services Association's Social Impact Assessment Manual. It will help councils to decide what information they need to properly assess SEPP Seniors Living proposals.

Not all the information in the list will be relevant to every proposal. Councils need to decide what information is necessary depending on the type of proposal. The checklist could be used by councils to advise applicants on the facilities and services they need to demonstrate access to.

FACILITIES & SERVICES	INFORMATION TO ENABLE ASSESSMENT			
	Residential care facility		Hostel	
	Yes	N/A	Yes	N/A
<p>Shops, banks and other retail and commercial services Particularly day to day goods and services. For example:</p> <ul style="list-style-type: none"> • Corner shop • Local convenience store • Public telephone • Butcher • General grocery store • Other groceries • Newsagent • Bank • Chemist • Post office • Major shopping centre. <p>Note: Remember to check pedestrian access to these facilities, especially standard of footpaths, gradients (see 'Quality of access' in this Guideline), resting places, safety, directness and/or that they are accessible by direct public transport. Check also suitability of route to public transport.</p>				

FACILITIES & SERVICES	INFORMATION TO ENABLE ASSESSMENT			
	Residential care facility		Hostel	
	Yes	N/A	Yes	N/A
<p>Community services facilities</p> <ul style="list-style-type: none"> • Community information services • Libraries (home and branches) • Council staff <p>Note: Check accessibility by walking or direct public transport to services and facilities. (See 'Quality of access' in this Guideline).</p>				
<p>Recreation facilities and services</p> <p>If they are to be provided on -site, check where these activities will be held</p> <ul style="list-style-type: none"> • Cinema • Theatre • Public parks • Swimming pools • Senior citizens centre • Bowling clubs • Neighbourhood centres running social activities <p>Note: Check accessibility by walking or direct public transport to services and facilities</p> <p>Note: Check the suitability of room/areas for these activities, if provided on site.</p>				
<ul style="list-style-type: none"> • General Practitioners <p>Note: Check accessibility by walking or direct public transport to services and facilities. The SEPP requires access to the practice of a general medical practitioner.</p>				

FACILITIES & SERVICES	INFORMATION TO ENABLE ASSESSMENT			
	Residential care facility		Hostel	
	Yes	N/A	Yes	N/A
<p>Transport</p> <ul style="list-style-type: none"> • Buses with bus stops / trains • Taxis both normal and modified • Pedestrian or bicycle routes • Community transport • Group • Individual • Other transport <p>Return transport service required. Frequency and form depends on the location of the development.</p> <p>Note: Remember pedestrian crossings for bus returns, waiting shelters, walking paths etc.</p>				

SUPPORT SERVICES	INFORMATION TO ENABLE ASSESSMENT					
	Residential care facility		Hostel		Dwellings in non-urban areas	
	Yes	N/A	Yes	N/A	Yes	N/A
<p>Food services</p> <ul style="list-style-type: none"> • Home delivered • Centre based • In-home • Communal • Other 						
<p>Personal care and home nursing</p> <ul style="list-style-type: none"> • Home care • Home nursing • Other 						
<p>Assistance with housework</p>						

Appendix 4 – Model covenant

REQUEST

New South Wales
Real Property Act 1900

Instructions for filling out this form are
available from the Land Titles Office

(A) **STAMP DUTY** Office of State Revenue use only
If applicable.

(B) **TITLE**
Show no more
than 20 titles.

--	--

(C) **REGISTERED DEALING**
If applicable.

--

(D) **LODGED BY**

LTO Box	Name, Address or DX and Telephone	Dealing Code
	REFERENCE (15 character maximum): 5364216v3	

(E) **APPLICANT**

(F) **REQUEST**

APPLICATION TO NOTE

PUBLIC POSITIVE COVENANT
Section 88E Conveyancing Act 1919

THE APPLICANT, being the registered proprietor of the above land, applies to have a recording made in the Register of a Public Positive Covenant which affects the land referred to above. The terms of the Positive Covenant are set out in the ~~schedule which~~ schedule which is annexed to this request and marked "A".

CHECKED BY (LTO use)

(G) **STANDARD EXECUTION**

Certified correct for the purposes of the Real Property Act 1900.

DATE

Signed in my presence by the Applicant who is personally known to me.

.....
Signature of Witness

.....
Name of Witness (BLOCK LETTERS)

.....
Address of Witness

.....

Signature of Applicant

Insert DUAP execution clause

EXECUTION INCLUDING STATUTORY DECLARATION

I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths Act 1900, and I certify this Application correct for the purposes of the Real Property Act 1900. Made and subscribed at.....
in the State of _____ on _____ 2000 in the presence of

.....
Signature of Witness

.....
Name of Witness (BLOCK LETTERS)

.....
Address and Qualification of Witness

.....
Signature of Applicant

This is Annexure “A” to a request dated

This and the following ## pages sets out the terms of the public positive covenant imposed pursuant to section 88E of the Conveyancing Act, 1919

Dated:

1 Interpretation

- 1.1 The following words have these meanings in this positive covenant unless the contrary intention appears:

Affordable Dwelling means lot ## in ## plan ## being folio identifier []/##[].

Affordable Housing Guidelines means the guidelines set out in the Affordable Housing State Environment and Planning Policy (SEPP) under the Environmental Planning and Assessment Act 1979 as adopted by the [LEP - insert name], from time to time.

Grantor means the owner of the Affordable Dwelling.

Law means:

- (a) the common law; and
- (b) the requirements of all statutes, rules, ordinances, codes, regulations, proclamations, by-laws or consents issued by Authorities,

present or future.

Minister means the minister responsible for housing.

Prescribed Authority means the Department of Planning or any assignee prescribed authority for the purposes of section 88E of the Conveyancing Act, 1919.

Residential Tenancies Act means the Residential Tenancies Act 1987.

Social Housing Provider means any of the following:

- (a) The New South Wales Land and Housing Corporation;
- (b) class 1 registered housing organisation registered with New South Wales Department of Housing;
- (c) an organisation nominated by the Minister

- 1.2 The rights and powers of the Prescribed Authority under this positive covenant are in addition to and not in substitution for the rights and powers of the Prescribed Authority under Part 6 Division 4 of the Conveyancing Act, 1989.

-
- 1.3 Nothing in this positive covenant restricts or otherwise fetters the discretion of the Prescribed Authority in the exercise of its statutory powers and obligations.
 - 1.4 If there is a conflict between the statutory powers and obligations of the Prescribed Authority and this positive covenant, the former will prevail.
 - 1.5 This positive covenant is made under section 88E of the Conveyancing Act, 1919.
 - 1.6 This covenant binds all persons who claim under the Grantor and stipulated in section 88E(5) of the Conveyancing Act.
 - 1.7 In this positive covenant unless the contrary intention appears:
 - (a) a reference to this positive covenant or another instrument includes any variation or replacement of them;
 - (b) a reference to a person includes the person's executors, administrators, successors and permitted assigns;
 - (c) a reference to a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them;
 - (d) the singular includes the plural and vice versa;
 - (e) the word "person" includes a firm, a body corporate, an unincorporated association or an authority;
 - (f) an agreement, representation or warranty in favour of two or more persons is for the benefit of them jointly and severally;
 - (g) an agreement, representation or warranty on the part of two or more persons binds them jointly and severally;
 - (h) a reference to any thing (including any amount) is a reference to the whole and each part of it and a reference to a group of persons is a reference to all of them collectively, to any two or more of them collectively and to each of them individually;
 - (i) if a period of time is specified and dates from a given day or the day of an act or event, it is to be calculated exclusive of that day;
 - (j) "include" (in any form) when introducing a list of items does not limit the meaning of the words to which the list relates to those items or to items of a similar kind.

2 Affordable Dwelling to be used for affordable housing

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- 2.1 The Grantor covenants with the Prescribed Authority that the Affordable Dwelling will be used for affordable housing as described in the Affordable Housing Guidelines and not for any other purpose whatsoever.

3 Letting the Affordable Dwelling

- 3.1 If the Grantor is a developer, the Grantor must lease the Affordable Dwelling to a Social Housing Provider, which will be authorised to sub-let the Affordable Dwelling under the Residential Tenancies Act to income eligible groups at rents and for a term calculated in accordance with the Affordable Housing Guidelines.
- 3.2 If the Grantor is a local authority, the Grantor must:
- (a) let the Affordable Dwelling under the Residential Tenancies Act to income eligible groups and at rents and for a term calculated in accordance with the Affordable Housing Guidelines; or
 - (b) lease the Affordable Dwelling to a Social Housing Provider, which will be authorised to sub-let the Affordable Dwelling under the Residential Tenancies Act to income eligible groups at rents and for a term calculated in accordance with the Affordable Housing Guidelines.
- 3.3 If the Grantor is an organisation nominated by the Minister, the Grantor must let the Affordable Dwelling under the Residential Tenancies Act to income eligible groups and at rents and for a term calculated in accordance with the Affordable Housing Guidelines.

4 Grantor's obligations

- 4.1 Subject to any agreement between the Grantor and a Social Housing Provider under clause 3, the Grantor must:
- (a) maintain the Affordable Dwelling in good and tenantable repair;
 - (b) comply with its obligations under the Law as owner of the Affordable Dwelling including, without limitation, the provisions of the Strata Management Act 1996; and
 - (c) take out and maintain contents insurance for the Grantor's fixtures and fittings for replacement value and public liability insurance for an amount not less than \$10 million for each occurrence or such other amount as the Prescribed Authority may reasonably require from time to time with a reputable insurance insurer.

5 Inspections

- 5.1 Subject to any agreement between the Grantor and a Social Housing Provider under clause 3 and the terms of the Residential Tenancies Act

Appendix 5 – maps

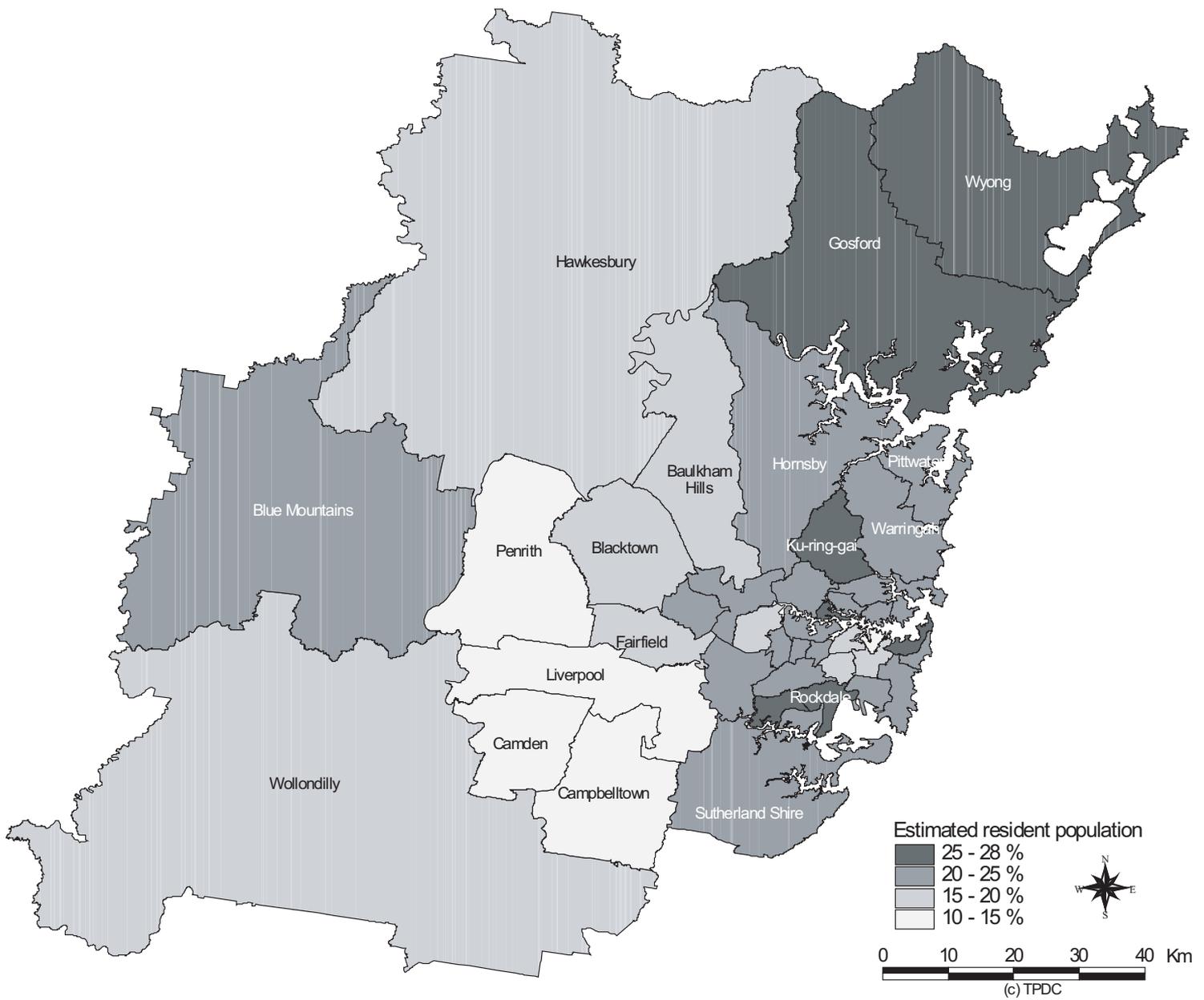
Proportion of population aged 55 years and over,
Inner and Middle rings, 2001

Proportion of population aged 55 years and over,
Greater Metropolitan Region, 2001

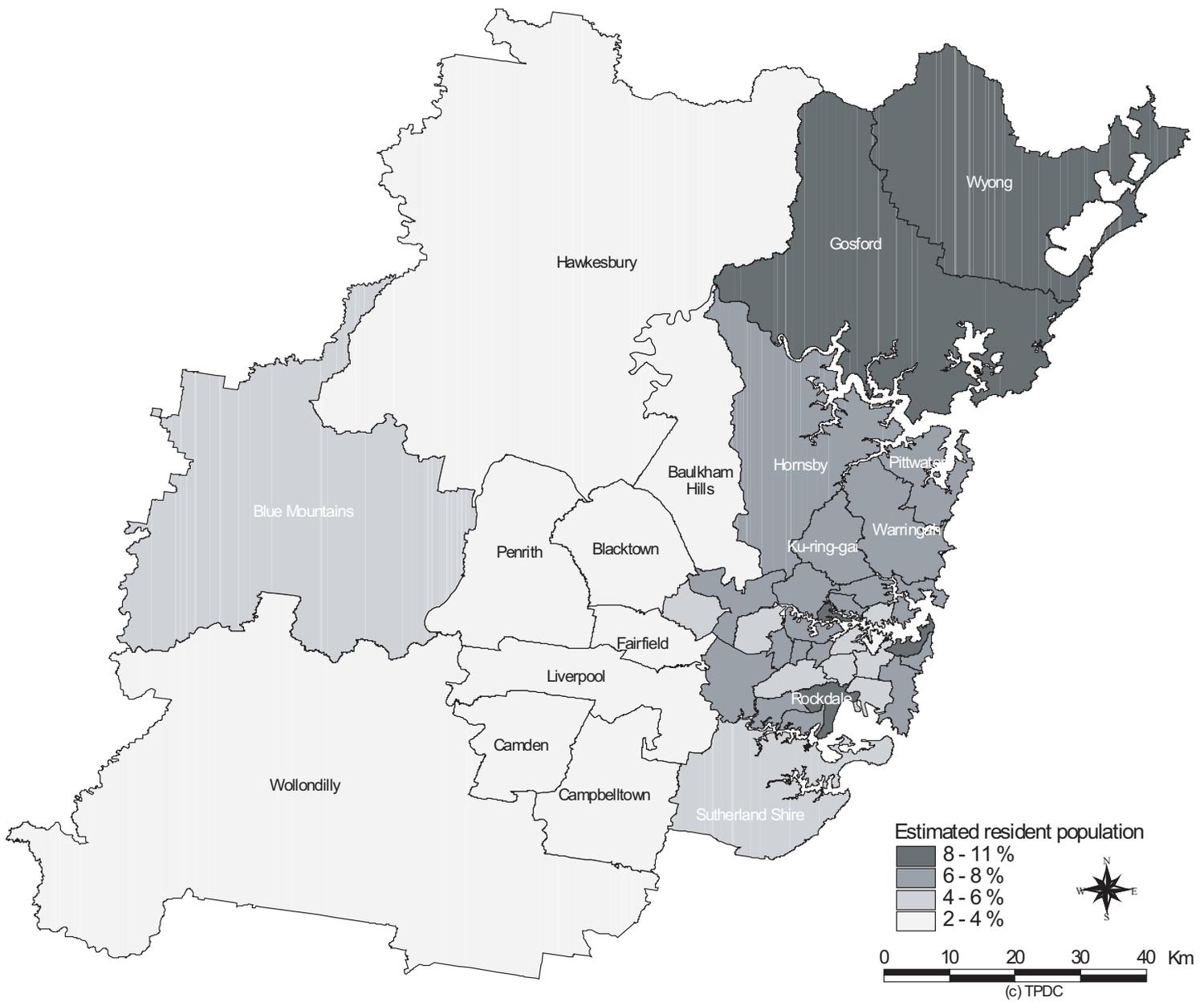
Proportion of population aged 75 years and over,
Inner and Middle rings, 2001

Proportion of population aged 75 years and over,
Greater Metropolitan Region, 2001

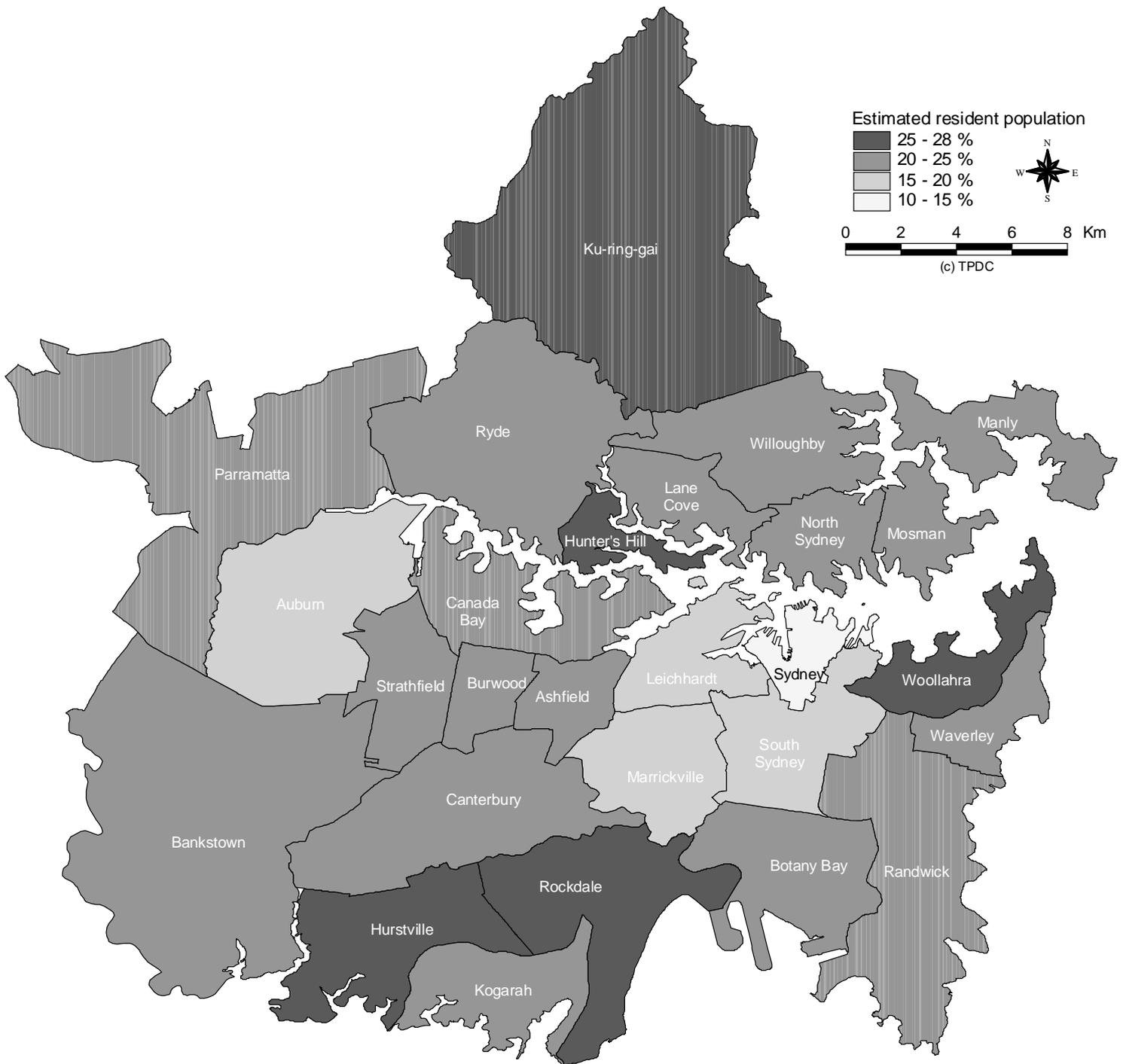
Proportion of population aged 55 years and over, Sydney Region, 2001



Proportion of population aged 75 years and over, Sydney Region, 2001



Proportion of population aged 55 years and over, Inner and Middle rings Sydney, 2001



Proportion of population aged 75 years and over, Inner and Middle rings Sydney, 2001

